



**CALIFORNIA NATIONAL GUARD  
LABOR MANAGEMENT COUNCIL – FORUM**

**Minutes  
8 May 2012**

Management Representative attendees:

COL Robert Spano – Chair  
COL Michael Wells – J1  
Col Nathaniel Reddicks – Deputy Adjutant General - Air  
Col Marilyn Rios-146<sup>th</sup> Vice Wing Cmdr  
COL Barbara Nuismer – Camp Roberts Facility Cmdr  
Col Clay Garrison – 144<sup>th</sup> FW, Vice Cmdr  
LTC Andreas Garza – Director, State Personnel  
LTC Kimberly DeRouen – HRO  
LTC Wm Poppler – Surface Maintenance Mngr  
Mrs. Karen Andris-Garcia – State HR Ops Mngr

Union Representative attendees:

David King –ACT Chapter 109 (129<sup>th</sup> RQW)  
Dean Gillum –ACT Local 118 (144<sup>th</sup> FW)  
James Williams –NAGE Local R12-120 (162<sup>nd</sup> CC)  
Lauren Johnson – ACT Chapter 105 (146<sup>th</sup> Airlift Wing)  
Dave Ingles – LiUNA Local 2163 (Stockton CSMS)  
Oscar Zavala –LiUNA Local 2163 (LBCSMS)

Guest Attendees:

Ben Banchs (Business Mngr, LiUNA NGDC)  
Ja'net Valloton (Secretary, LiUNA NGDC)

LMC-Forum Coordinators:

MSgt Amber Bambaloff – Chief, Labor Relations  
Stephanie Zatzke – Labor Relations Spec.

- The Welcome and Opening Remarks were given by the Chair, COL Robert Spano:
  - Reemphasized the TAG's full support of the Labor-Management Council (LMC) Forums.
  - Addressed recent meetings between LiUNA and TAG as an example of TAGs transparency with unions.
  - Introduced and welcomed Ben Banchs and Ja'net Vallotton from LiUNA NGDC.
  - Next LMC will be held at the new Okinawa Armory in Sacramento.
  - Addressed intent of LMC is to improve performance, efficiency and maintain a cooperative forum to reduce issues that affect relationships between labor and management. Some ground rules for LMC is not intended to address collective bargaining agreements, contract enforcement, or active grievances with the Department.
  - Reemphasized the importance to increase forum participation.
  - Noted the absence of State Union representatives.
  - Chair handed floor to MSgt Bambaloff.
- MSgt Bambaloff:
  - Minutes from last LMC will stand unless anyone has anything?
  - No comment from floor.
- MSgt Bambaloff:
  - Minutes will stand.
  - Asked to hear first from ACT 105.
- Ms. Johnson, ACT 105.
  - Currently working on supervisors courses.
  - No New business.
  - Asked Col Rios if she had anything to add.
- Col Rios:
  - From mgmt perspective, it would be advantageous to host a pre-course luncheon before the Supervisors Training.
  - We're considering hosting a "mid-career" retirement course.
- LTC Derouen:
  - Training courses are all laid out through 2013, to include retirement seminars. These are DCO (defense connect on-line) classes. All remote designees and Commanders have access to the training calendar.
- Col Rios:
  - Is it mgmt prerogative to ask technicians to work outside their normal work hours?
- COL Spano:
  - An example of when that might happen is during fire season. When the work is considered "mission critical".
- Ms. Johnson:

- What's considered "mission critical"? Who determines what's "mission critical"?
- COL Spano:
  - I'm glad you brought that up.
  - Examples would include not leaving an inspection in the middle of the inspection.
  - Inspections are scheduled usually 1 year in advance, so the Cmdr will be able to prepare for people needing work outside their normal work day.
- COL Wells:
  - ..because these are all predictable, both sides can sit down and plan/program work through communication.
- Col Rios:
  - It's already come up, "Ma'am, can I be told I have to work on a day not scheduled?"
  - I guess I'm looking for a more broad brush – what's mission critical?
- COL Spano:
  - Anyone else come across this?
- Col Rios:
  - ..most want the overtime. We need to negotiate our Contract..
- Mr. Banchs:
  - What it boils down to is the CBA. We went over LA agreement and put in examples of "mission critical" events. A technician cannot refuse to work if you are compensating them. They can file a grievance later if they want.
- Mr. Zavala:
  - I understand the issue here/ the concern. For example, I'm a single parent. If at the last minute, I'm told I have to stay at work and not be able to pick up my daughter, I know which way I'd go...I'm going to get my daughter.
- Mr. Banchs:
  - They should be asking for volunteers first.
- Col Reddicks:
  - If you're one person deep with expanded duties for inspections, then tell mgmt, "hey, we're behind."
- Mr. Banchs:
  - ..requirements start changing right before inspections.
- Col Reddicks:
  - ..understood.
- Mr. Banchs:
  - Build those into the CBA.
- Col Rios:
  - We've been preparing for an inspection and the supervisor was looking for volunteers. One or two people protested, "What's mission critical?" It ended up working itself out. I suppose they can file a grievance.

- COL Spano:
  - So much of this can be handled at a lower level leadership.
- Col Rios:
  - I'm good with that.
- MSgt Bambaloff:
  - Next is ACT 118, Mr. Gillum.
- Mr. Gillum:
  - Uniform issue is still an issue.
  - The CBA states something different than Supply is saying the regulations states.
  - We still haven't received cold weather gear, now it's hot outside again, so that issue will get forgotten about again.
- Col Spano:
  - What does your CBA say? Is it due for renegotiation?
- Mr. Banchs:
  - Every agreement has rollover provisions.
- COL Wells:
  - LR will look into that to set up a time to conduct negotiations.
  - Maybe a collective event?
- Mr. Banchs:
  - The unions would need to buy off on that.
- Mr. Gillum:
  - Maybe have one Army and one Air agreement with supplements?
- COL Spano:
  - Let's talk about that. Sounds like it'd be different..
- Col Reddicks:
  - We don't have enough information yet..
- Col Rios:
  - Years ago we attempted that. The units are too different.
  - If we have a parent CBA it would be very vanilla.
  - We don't gain anything by doing that.
- COL Spano:
  - Compare State to Federal agreements. We don't negotiate DPA/CAL HR.
  - Send them to the military department.
    - Elaborated on how time intensive negotiations are.
- Ms. Johnson:
  - It may be worth our time for the unions to get together and talk this option over.
- Col Rios:
  - It does take a lot of effort on the state side...just one person mgmt team.
- COL Spano:

- I don't know what I don't know at this point.
- We may need a working group.
- Mr. Banchs:
  - There's advantage to having just one CBA, from a mgmt standpoint. All these things can be one contract then MOUs at the local level. Units would have to agree to this.
- COL Wells:
  - The takeaway of this is that a number of contracts need to be rewritten.
  - Need the unions to take a look at them to see if we need to negotiate.
  - Negotiating is time consuming.
  - Federal law is the driving force.
  - We need to work on contracts.
- Mr. Gillum:
  - Our contract is one of the newest ones (2003)
  - Is negotiating something we request?
- MSgt Bambaloff:
  - Either side can request.
- Mr. Gillum:
  - One last thing, we're in (CBA) "rollover" now, if something comes out, is our contract still valid if a federal law comes out?
- COL Wells:
  - Federal law always trumps.
- Mr. Zavala:
  - CBA trumps federal law.
- Mr. Gillum:
  - Special clothing issue – AFI states something different than CBA.
- Mr. Banchs:
  - That's not a change in law.
- Mr. Zavala:
  - The FLRA said CBA trumps law.
- LTC Garza
  - Contract stays. Can't make it ...can't look at it as ipso-facto.
- COL Spano:
  - If it's not addressed in the CBA, law prevails.
- Mr. Gillum:
  - Supply says it's a money thing but our contract states we will receive them.
- COL Spano:
  - We're facing significant cuts in the federal budget.
  - Negotiating the contracts will be interesting.

- Mr. Banchs:
  - Technicians don't receive a uniform allowance.
- Col Reddicks:
  - This is more of a local thing.
  - I got it, working it right now.
  - BREAK
- Mr. Ingles:
  - Talking about CBA, are our dates good? 18-22 June?
- MSgt Bambaloff:
  - Yes. Dates are good.
- Mr. Ingles:
  - EQRB. Is this happening on the state side?
- Col Reddicks:
  - What question do you have?
- Mr. Ingles:
  - Are you doing it?
- Col Reddicks:
  - Yes.
- Mr. Zavala:
  - A lot of technicians are coming back from seminars with a lot of questions.
  - Questions regarding mil/tech retirement.
  - Suggest we bring in a military expert for the FERS retirement seminar.
- COL Spano:
  - To mitigate some of the confusion..
- LTC Derouen:
  - When we have that seminar, we can bring in an expert.
  - We can incorporate that into the FERS course.
  - Everybody can attend even if they already went to the FERS course.
  - We'll ask the G1 to be there.
  - Anyone who can't make the course can come to the HRO and sit down with Ms.LeBallister or SGT Techau if needed.
  - Telephonic help is available.
  - We can also send a SME out to the field.
- LTC Poppler:
  - I will get these people what they need.
- Mr. Ingles:
  - Can one of us (union) attend?
- LTC Derouen:
  - Yes. If it effects you. But be careful taking information back to the unit.

- You're not the SME. They need to talk to HRO.
- Mr. Zavala:
  - Hiring packet info might include temp tech..what you're giving up when you get hired on..
- LTC Derouen:
  - A statement of understanding could be included in the packet.
- Mr. Banchs:
  - Maybe put in on the job announcement.
- Mr. ingles:
  - G1 letter to technicians for possible appeals for EQRB?
- LTC Derouen:
  - ..went out certified mail.
- COL Spano:
  - Let me add, the meeting with TAG a few weeks ago there was a lot of forward thinking and positive feelings from that meeting with LiUNA.
  - Main takeaway was there's a lot going on between the federal budget, becoming NDS after discharge.
  - TAG said he'll walk the halls of Congress w/LiUNA to engage members of Congress shoulder to shoulder with the unions.
- Mr. Banchs:
  - Once we resolve all these small issues, this LMC can really help influence at a higher level.
- COL Spano
  - This partnership has a lot of potential.
- Mr. Zavala:
  - Blue coveralls. Supervisor won't allow a black beanie to be worn with the blue coveralls. Is that allowed?
- LTC Poppler:
  - I don't know. I'll address it. As long as they don't leave the gate, it's not an issue. I'll address it. I don't see it as an issue.
- MSgt Bambaloff:
  - Move on to item 4.
- LTC Garza:
  - There's no new business.
- Mr. Williams:
  - No new business at this time.
- MSgt Bambaloff:
  - Skip State business.
- Mr. King:

- Hello. I represent ACT 109.
- Steward training was approved.
- COL Spano:
  - Off topic conversation regarding unit aiding in the rescue of Chinese fisherman.
- Mr. King:
  - Old business was all resolved.
  - No new business
- BREAK FOR LUNCH
- Mrs. Garcia:
  - Introduced herself, position in State
  - Explained the State unions representatives are not present, so she'll do the best she can to address issues.
  - Electronic bulletin boards may need to be established.
  - Probably need to revisit item 6 from agenda. Not sure what it meant?
  - Unaware of any issue regarding item 8.
  - Sidebar conversation about dress codes and standards for State and Federal employees.
  - Sidebar conversation about alternate work schedules.
- Ms. Johnson:
  - Is telecommuting causing a problem?
- LTC Derouen
  - No. Not an issue.
- COL Spano:
  - It's case by case. But hasn't been a problem.
- LTC Derouen:
  - People may need to read the telework denial act.
- Mr. Gillum:
  - Can we get another supervisor or WL to cover the other (of two) shifts?
  - There needs to be a supervisor.
- Col Garrison:
  - There's a supervisor in another section which covers down for the night shifts missing supervisor.
- COL Spano:
  - The culture is changing so issues are being resolved at a lower level.
  - The new IG is a proponent of "transparency".
- Mrs. Garcia:
  - State added an EO



- That's all I have.
- MSgt Bambaloff:
  - Move to item 14.
- Col Rios:
  - Already addressed.
- MSgt Bambaloff:
  - That's all the agenda items.
  - Everyone looks at the Sample of a new Charter.
- COL Wells:
  - South Dakota has an effective LMPC.
  - This is a rough draft taken from theirs.
- LTC Derouen:
  - We're asking everyone to review so we can establish a more collective partnership charter.
- COL Wells:
  - Do we want a working group for for LMPC Charter?
  - Working group established-Col Rios, LTC Garza, LTC Poppler, Mr. Zavala, Mr. Gillum, Ms. Johnson, MSgt Bambaloff.
- LTC Derouen:
  - Please reference the website for training calendar
  - Also for refresher training for supervisors.
- COL Spano:
  - Between now and Aug, working group needs to get together to get a charter together.
  - Talked more about LRS website
    - MSgt Bambaloff wrote out LRS email address on white board.
- Mr. Gillum:
  - Could this forum be done vi satellite?
- COL Spano:
  - Nothing replaces the face to face exchanges, but for those who can't attend..yes.
  - Next forum is at Okinawa Armory in Sacramento on 8 August.
  - Thanks for coming.